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1951

File No. Prim. Edu. Bom II
Legal Deptt 51(R)

B **BRANCH**

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Subject:— Rules under the Bombay Primary Education Act, 1947

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File No. Pri.-Edu- Bom II
51(R)

Gen. 191 e.

5-8-B

Legal Department.

A revised draft notification is sent herewith subject to the following obsergations:-

(1) Under the Preliminary notification it is provided that the grant to an approved school shall not be paid in any year unless the daily average attendance is 25 and above during the year. It is now pxroposed, after considering the objections x received by the Government, to relax this number and to prescribe 20 as the daily average attendance in the case of schools for boys in certain aras and 15 as the daily average attendance for schools for girls or backward commun ties. As the rules have been liberalised it is not necessary to issue another preliminary notification.

(2) It is now proposed in the notification to insert a provision that notwithstanding anything contained in sub-rule (1) of rule 115, a District Local Board or an Authorised Municipality may, in its discretion, pay grant in respect of schools opened in hilly tracts or any backward areas. The expressions "hilly tracts " or "backward areas" are not defined anywhere in the Bombay Primary Education Ru es, 1949. It is understood from E.D. that an Ad Hoc Committee has been appointed to determine such backward areas. It is presumed that the backward areas might not necessarily coincide with the scheduled areas as specified under the Fifth Schedule to the Constitution of India. If so, it will be necessary to define those expressions. E.D. should consider whether the following explanation should be added under

note.....

note (3) to the said sub-rule (2) of rule 115.

Note (3).- For the purposes of this rule, the expression "hilly tract" or "backward Areas" shall mean the hilly tracts or bakckward areas as may be determined by the State Government from time to tbme in relation to a district."

Id/- J.R.D.
17/11

Additional Secretary to Government.

U.R. to E.D.No.1099,
dated the 17th January 1951.

JPE.16/7/56.
4 copies.

Legal Department.

Rule 3 of the Bombay Primary Education Rules, 1949, provides that each school board shall be constituted as shown in Schedule A. Columns 10 and 11 of Schedule A provide for the number of persons to be appointed by Government. As pointed out in R.L.A.'s No.345-Confl., dated the 4th June 1949, the appointment may be made either by name or by designation. Reading rule 8 along with the said provisions where persons are appointed or nominated by designation, such designation only need be published under rule 8. No amendment of rule 8 as proposed by the Education Department is necessary.

Id/- J.R.D. 29/1

Additional Secretary to Government

U.R. to E.D.,No.1776,

dated the 30th January 1951.

JPE.1677/56.
4 copies.

Legal Department.

No previous publication would be necessary as the rules have been liberalised and the proposed note only defines certain terms occurring in the liberalised rules. It may, therfore, be incorporated in the revised draft notification supplied by Legal Department.

Id/- J.R.D.
30/1x

Additional Secretary to Government.

U.R. to E.D. No.1820,

dated the 30th January 1951.

JPE.16/7/56.
4 copies.

Office of the R.L.A.

The proposal in this case is that the Bombay Primary Education Rules should be amended to provide that on the permanent closure of a private approved school, the person managing the School should hand over all the equipment including the dead stock i.e. furniture etc., to the Taluka Teacher. Rule 139 of the Bombay Primary Education Rules provides for the handing over the record of such school. This provision is in the interest of the pupils who have attended the school and may be held to be legal. But there is no provision in the Bombay Primary Education Act, itself, which would warrant a rule requiring the management to hand over its equipment, which is its own private property, to the Taluka Teacher. Merely because the school may have received a grant-in-aid and the management may have purchased any equipment out of or with the help of such grant it would not follow that its ownership over the property of the school is in any way affected. The proposed rule, therefore, will not be legal.

Id/- J.R.D.
2/11

Remembrancer of Legal Affairs.

U.R. to .E.D. No.17390,
dated the 3rd November 1951.

JPE.17/7/56.4c.

Office of the R.L.A.

The intention is to make separate provisions for recognition and grant-in-aid. from rules 106 to 111 as they stand at present it will appearx that the provisions as to recognition and grant-in-aid are inter-mixed and to a certain extent overlapping e.g. rules 107(2) and 110(3). To achieve the object in view it would be necessary to amend in addition to rules, 107, 109 and 111 ~~and~~ rules 108, 110 and Form~~s~~ A in Appendix C.

In place of E.D. draft notification at page 27 C.S. a revised draft notification is sent herewith.

Id/- J.R.D.
8/12

Remembrancer of Legal Affairs.

U.R. to E.D.No.19792,
dated the 10th December 1951.

JPE.17/7/56.
4 copies.